

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)
)
 Plaintiff.)
)
 vs.)
)
GARY ELDRED KREMER,)
)
 Defendant.)

Case No. 1:11-cr-00009 RP-CFB

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

The United States of America and the Defendant, having both filed a written consent, appeared before me pursuant to Rule 11, Fed. R. Crim. P. and L. Cr. R. 11. The Defendant entered a plea of guilty to Count One and Count 4 of an Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowing and voluntary as to that count, and that the offense charged is supported by an independent factual basis concerning each of the essential elements of such offense. I, therefore, recommend that the plea of guilty be accepted, that a pre-sentence investigation and report be prepared, and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Date

9.8.11



CELESTE F. BREMER
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. 636(b)(1)(B).

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,

)

)

Plaintiff,

)

Cr. No.: 1:11-cr-00009-001

)

vs.

)

ORDER FOR STATUS
CONFERENCE AND CONCERNING
SUBMISSION OF MOTIONS AND OTHER
MATERIALS INVOLVING SENTENCING
ISSUES

)

Gary Eldred Kremer,

)

Defendant

)

I. STATUS CONFERENCE

The United States Probation Office shall hold a sentencing status conference with both counsel, by **telephone**, on **November 14, 2011**, at **1:00 pm**. **Counsel must participate** in this conference. The Probation Officer shall have the authority to communicate with the Court concerning the rescheduling of the status conference and sentencing date listed below, if necessary.

II. DISCLOSURE OF PRE-SENTENCE REPORT

The initial Pre-sentence Investigation Report (PSIR) shall be completed and disclosed to the parties within forty-five (45) calendar days following the date of adjudication. In accordance with this Order, the initial PSIR shall be disclosed on **October 24, 2011**. Initial disclosure of the PSIR shall occur by way of **CM/ECF**. Disclosure of the initial PSIR to both parties shall mean the PSIR has been furnished to counsel for the government and the defendant for purposes of Rule 32(b)(6)(A).

Within fourteen (14) days after the PSIR's initial disclosure, counsel shall file with the court any objections counsel may have to any material facts, information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the PSIR. In accordance with this Order, objections shall be filed by no later than **November 14, 2011**.

SENTENCING DATE

The parties involved shall appear before the Court for sentencing proceedings on **December 13, 2011, at 9:30 am.** The estimated time required for the sentencing hearing is 30 minutes; however, the parties shall notify the Court if more time is needed. The final pre-sentence report shall be released to the Court and parties no later than seven (7) days in advance of the sentencing date in connection with which the Probation Officer will advise the Court further as to the projected length of the sentencing hearing, whether the parties intend to call witnesses, whether it is anticipated that any victims may wish to be present and/or address the Court, and whether there are any other unique logistical or scheduling issues.

IV. PRE-SENTENCE SUBMISSIONS

Not later than three (3) court days prior to the date set for sentencing the parties shall file, serve, and deliver to the assigned Probation Officer any motions, sentencing memoranda, or briefs the party would like the Court to consider at the sentencing hearing. Additionally, by the same deadline copies of any letters or other exhibits the party would like the Court to consider at the sentencing hearing should be delivered to the chambers of the sentencing judge, with copies provided to opposing counsel and the Probation Officer, but these materials should not be filed. The requirements in this section do not apply to resistances or responses to motions or briefs served less than seven (7) days before the sentencing hearing, government motions under Sentencing Guideline § 5K1.1 or 18 U.S.C. § 3553(e), or rebuttal or impeachment exhibits.

IT IS SO ORDERED.

Dated this 8th day of September, 2011.



Celeste F. Bremer
United States Magistrate Judge